

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CV-275-D

SILICON KNIGHTS, INC.,)
Plaintiff,)
v.) **ORDER**
EPIC GAMES, INC.,)
Defendant.)

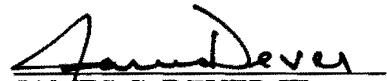
On January 25, 2011, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 592]. In that M&R, Judge Gates recommended that Epic Games, Inc.’s (“Epic” or “defendant”) motion for summary judgment be granted in part and denied in part [D.E. 531].

On February 4, 2011, Epic filed objections [D.E. 594] to the M&R. On February 14, 2011, Silicon Knights, Inc. (“SK” or “plaintiff”) filed its response [D.E. 596] to Epic’s objections. The court has reviewed the M&R, the record, defendant’s objections, plaintiff’s response to the objections, and defendant’s reply. As for those portions of the M&R to which no objections were made, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed them *de novo*. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court agrees that genuine issues of material fact exist as to some, but not all, claims. Accordingly, Epic’s motion for summary judgment is GRANTED as to SK’s claims for intentional interference with contractual relations (third cause of action), intentional interference with prospective economic advantage (fourth cause of action), unjust enrichment (eighth cause of action), and rescission or reformation (ninth cause of action), and these claims are DISMISSED with prejudice. Epic’s motion for summary judgment is DENIED as to SK’s claims for fraudulent

inducement (first cause of action), negligent misrepresentation (second cause of action), UDTPA violations (sixth cause of action), common law unfair competition (seventh cause of action), and Epic's counterclaim for copyright infringement (first counterclaim). Thus, Epic's motion for summary judgment [D.E. 531] is GRANTED IN PART and DENIED IN PART.

SO ORDERED. This 24 day of March 2011.



JAMES C. DEVER III
United States District Judge